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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

RICK FUTIA,

Case No. CV 11-12 PSG

Plaintiff,

STIPULATION OF DISMISSAL; ORDER

v.

JAMES and ALTHEA FERGUSON,  
as Trustees of the Ferguson Trust, and  
JAMES FERGUSON, JR., as Trustee  
of the James Ferguson, Jr. Family  
Trust, E.P.&G. PROPERTIES, No. 7,  
LLC,  
Defendants.

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The Parties hereto stipulate as follows:

The Ferguson Defendants were previously dismissed.

The remaining parties (the Parties) have reached a full and final settlement of all issues in this action. A Settlement Agreement between the Parties has been fully executed.

Some parts of the Settlement Agreement are to be performed in the future. The Parties

shall comply with their Settlement Agreement, a copy of which is incorporated by reference as if fully set forth. The Parties request the Court to retain jurisdiction for 2 years from the date hereof in order to enforce the terms of the Settlement Agreement under the authority of *Kokkonen v. Guardian Life Insurance Co. Of America*, 511 U.S. 375, 381-82 (1994).

Although the Parties are hereby dismissing this action with prejudice, they agree that the Court will retain jurisdiction over this action and the Parties hereto in order to be able to enforce the terms of the Settlement Agreement.

IT IS HEREBY STIPULATED by and between the Parties to this action through their designated counsel that this action be and hereby is dismissed with prejudice pursuant to FRCP 41(a)(2), and the Court retains jurisdiction to enforce the terms of the Settlement Agreement for 2 years after the date hereof.

Date: January 12, 2012

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S/Bradley M. Matteoni,  
Attorney for Defendant

S/Thomas N. Stewart, III,  
Attorney for Plaintiff

IT IS SO ORDERED:

Date: 2/29/2012

Paul S. Gend  
U.S. ~~Judge~~/Magistrate Judge